

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 20, 1999**

## DIVISION ONE

B115725      James A. Kay, Jr.      (Not for Publication)  
v.  
Harold Pick et al.

The order is affirmed. Kay is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B125153 People (Not for Publication)  
v.  
Carlos R. Cazelly

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B127399      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Rachel A.

The order under review is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B129501 Jerome A. (Not for Publication)

v.

Superior Court, Los Angeles County  
(Los Angeles County D.C.F.S., r.p.i.)

The petition is denied.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

B122811 People (Not for Publication)

v.

Randy Jee Journigan

The judgment is modified to reflect that appellant was convicted of second degree murder, and the special circumstance finding is stricken. As modified, the judgment is affirmed, and the matter is remanded for resentencing.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B118884 People (Not for Publication)

v.

Justin Thomas Miller

The judgment is affirmed, and the matter is remanded for resentencing.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B125850      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Lesly A. et al.

The order terminating the parental rights of Lesly A., Mario A., and David G. is reversed. The matter is remanded for a new hearing on the selection and implementation of a permanent plan.

Masterson, J.

We concur:    Spencer, P.J.  
Ortega, J.

B120976      People      (Not for Publication)  
v.  
Gale Jenkins

The judgment is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION THREE

B122940      Baines Pickwick Limited      (Certified for Publication)  
v.  
The City of Los Angeles

The judgment is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. Each party to bear respective costs on appeal.

Klein, P.J.

We concur:    Kitching, J.  
Aldrich, J.

### DIVISION THREE (Continued)

B130374 Michelle M. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles Department of Children and Family Services, r.p.i.)

The petition is denied.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B115560      Jack A. Carlton      (Not for Publication)  
v.  
Libbe Murez et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B125528 People v. Arrellano (Not for Publication)

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

## DIVISION FOUR

[illegible]

For the foregoing reasons, the court's order calculating appellant's maximum period of confinement is modified to stay the concurrent six months attributable to the battery. As modified, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B124587 People (Not for Publication)  
v.  
Garcia

For the foregoing reasons, we modify the judgment to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45 and, as modified, affirm. The superior court is directed to prepare an amended abstract of judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B127194 People (Not for Publication)  
v.  
Goodwin

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

DIVISION FIVE

B114721     People  
              v.  
              Dale J. Jung et al.

Filed order modifying opinion.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B126908     Koptske  
              v.  
              Workers' Compensation Appeals Board  
              (Safeco Insurance Co., r.p.i.)

Review:

Presented by Julie A. Bienefeld for petitioner and by Terry L. Smith for respondent Safeco Insurance Co. Argument waived by respondent Workers' Compensation Appeals Board. Cause submitted.

B126139     D. Henry & Sons, Inc.  
              v.  
              Kessel

Merits:

Argued by Julian Eli Capata for appellant and by Keith M. Gregory for respondents. Cause submitted.

B125923     Merino  
              v.  
              McWhirter Distributing Co., Inc.

Merits:

Argued by Duke L. Peters for appellant and by Robert Alden Welbourn for respondent. Cause submitted.

Court recessed at 9:55 A.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., Matz, J. (Assigned), and G. Bents, Deputy Clerk.

Each of the following:

B115317 People v. Edwards  
B116263 People v. Moore  
B121869 People v. Lopez  
B121938 People v. Willis  
B122845 People v. Hugo  
B122982 People v. Townsend  
B123049 People v. Austin  
B123251 People v. Vann  
B123469 People v. Morillo  
B124085 People v. Jose R.  
B124151 People v. Ogden  
B125751 People v. Cervantes  
B126369 People v. Ruiz  
B127547 People v. Lomack

Argument waived, cause submitted.

B123564     People  
                  v.  
                  Womack

Merits:

Argued by Ilan Funke-Bilu for appellant and by Robert M. Snider, deputy attorney general, for respondent. Cause submitted.

B114080     People  
                  v.  
                  Ranieri

Merits:

Argued by Jerry D. Whatley for appellant and by Rama R. Maline, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B120893     People  
              v.  
              Swanson & Stairs

Merits:

Argued by Douglas G. Benedon for appellant Swanson and by Barry F. Nix for appellant Stairs. Argument waived by respondent. Cause submitted.

B115843     People  
              v.  
              Clayton

Merits:

Argued by Mark Alan Hart for appellant and by Valerie A. Baker, deputy attorney general, for respondent via video conference. Cause submitted.

B119301     People  
              v.  
              Trujillo

Merits:

Argued by David Y. Stanley for appellant and by Michael Keller, deputy attorney general, for respondent via video conference. Cause submitted.

B116705     People  
              v.  
              Joseph

Merits:

Argued by Kyle M. Wesendorf for appellant via video conference and by Rama R. Maline, deputy attorney general, for respondent via video conference. Cause submitted.

Court recessed at 2:30 P.M.



DIVISION SIX (Continued)

Court reconvened at 2:40 P.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., Matz, J. (Assigned), and G. Bents, Deputy Clerk.

B126116     People  
              v.  
              Doyle

Merits:

Argued by Mark E. Johnson for appellant and by Wendy Chase Arenson for respondent via video. Cause submitted.

B121607     People  
              v.  
              Sotelo

Merits:

Argued by Andrew M. Wolf for appellant and by Noah P. Hill, deputy attorney general, for respondent via video conference. Cause submitted.

B124797     People  
              v.  
              Castellanos

Merits:

Argued by Rudy G. Kraft for appellant and by Alan D. Tate, deputy attorney general, for respondent via video conference. Cause submitted.

B124613     People  
              v.  
              Murray

Merits:

Argued by Edward H. Bullard, deputy district attorney, for appellant and by Robert M. Sanger for respondent. Cause submitted.

DIVISION SIX (Continued)

B113990      People  
                 v.  
                 Garcia & Hernandez

Merits:

Argued by Michael B. Dashjian for appellant Garcia and by Noah P. Hill, deputy attorney general, for respondent via video conference. Argument waived by appellant Hernandez. Cause submitted.

Court adjourned at 4:25 P.M.

DIVISION SEVEN

B123632      City of Burbank et al.  
                 v.  
                 Burbank-Glendale-Pasadena Airport Authority

Filed order certifying opinion for publication.

Addendum to May 18, 1999 minutes:

B120371      Mitsui O.S.K., Ltd., et al.  
                 v.  
                 Dynasea Corporation

Filed order certifying opinion for publication.